

HOUSE BILL 794
By Briley

AN ACT to amend Tennessee Code Annotated, Section 37-1-119,
relative to petitions in juvenile cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-119, is amended by deleting the
section in its entirety and substituting instead the following:

(a) A petition shall be verified and may be on information and belief. It shall set
forth in plain and concise language, with particularity, the factual and other allegations
relied upon in asserting that the respondent is within the juvenile court's jurisdiction,
including:

- (1) The name, residence address, and date of birth of the juvenile;
- (2) The names and residence address, if known to the petitioner, of the
parent, guardian, or custodian of the juvenile;
- (3) The approximate date, manner, and place of the acts alleged as the
basis of the court's jurisdiction;
- (4) Whether the petition alleges delinquent, unruly, dependent/neglected,
or other category of jurisdiction; and all petitions alleging that a juvenile is

dependent, neglected, or abused shall be referred to the department of children's services; and

(5) A statement whether the juvenile is in custody and if so, the place of detention and the time the juvenile was taken into custody.

(b) The petition may be made by any person, including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes the facts alleged are true.

(c) Upon the filing of the petition, the case shall be set for hearing, appearance, or settlement in accordance with local rules and procedures for the setting of cases. An arrest order or attachment may be sought on the petition in accordance with this chapter.

(d) In addition to the requirements of subsection (a), if a petition alleges a delinquent act, the following shall also apply:

(1) The petition shall be accompanied by a written affidavit of complaint alleging that the juvenile has committed an offense and alleging the essential facts constituting the offense charged. The affidavit of complaint shall be made upon oath before a designated officer of the court who is capable of the probable cause determination. A delinquent petition shall not be issued absent a probable cause determination that the alleged offense occurred.

(2) The finding of probable cause shall be based upon evidence, which may be hearsay in whole or in part provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished.

(3) A delinquent petition shall set forth the state statute or county, city or municipal code or statute alleged to have been violated.

(4) A copy of the petition in all cases alleging a delinquent act which would be a felony if committed by an adult and possession of a firearm as

defined in Tennessee Code Annotated, Section 39-17-1319, shall be sent to the appropriate district attorney general and the juvenile's counsel. The district attorney shall receive notice of all other delinquency petitions from the clerk of the court or the appropriate person.

(e) When a petition has been drafted and filed pursuant to this part, an arrest order, attachment, or summons shall be issued. For cases in which a summons is issued, the court shall:

(1) set a court date for action on the petition and direct the necessary parties to appear; and

(2) attach a copy of the petition to the summons and serve the juvenile's parents, guardian, guardian ad litem, other custodian or necessary party, and the juvenile.

(f) The parties, other than the juvenile, may waive service of summons by written stipulation or by voluntary appearance at the hearing.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.